

Confederated Salish & Kootenai Tribes and U.S. Fish & Wildlife Service
Draft Compatibility Issues Plan of Action
April 1, 2003

- II. **Compatibility Issues Goal** – Cooperatively develop an action plan, responsible parties and timelines to address all compatibility issues prior to executing an Annual Funding Agreement

Responsible Parties: Dave Wiseman (FWS)

Joe Dupuis & Fred Matt (CSKT)

Timeline: April 1, 2003

Compatibility Issues Plan of Action

The Confederated Salish & Kootenai Tribes (CSKT) and the U.S. Fish & Wildlife Service (FWS) recognize that there have been certain issues regarding uses of the refuges that are incompatible with refuge purposes. There has been mutual recognition of the issues, but there has not been complete agreement about how to resolve the compatibility issues.

The CSKT and the FWS also recognize that a solid plan for the resolution of these outstanding compatibility issues is necessary before further negotiations regarding management of the refuge complex can take place and the resolution of the issues is independent of the negotiations.

1. **Modified grazing and farming activities on Ninepipe and Pablo National Wildlife Refuges** – It was agreed that CSKT will forward a plan for grazing and farming permits on Ninepipe and Pablo NWR and farm leases on Pablo NWR to the NBR before April 1, 2003. CSKT and FWS agreed to work together to resolve any issues in an expedient manner to ensure this issue is resolved in a timely manner, to the extent possible, for the individuals utilizing the land for these purposes. The CSKT acknowledges that the FWS will then make compatibility determinations of the proposed agricultural uses at Ninepipe and Pablo NWR. It is further acknowledged that the public will have an opportunity to comment. The public comment process will take approximately two weeks after initial agreement between the two governments on the permit and lease modifications, unless the compatibility determination is negative. If a negative determination is made by the Refuge Manager, CSKT and FWS will consult to modify proposed uses to meet Refuge purposes.
2. **Expansion of stock car racetrack into the Pablo National Wildlife Refuge** – It was agreed that the expansion of the racetrack into the Pablo NWR could be resolved by moving the boundary of the current easement in exchange for equal acreage (approximately 1 acre). The CSKT will complete a cadastral survey by the end of the 2003 field season. David Wiseman of FWS and Brian Lipscomb of CSKT will meet in the field with the surveyor to determine exact land exchange proposal. Gary Sullivan of FWS (Great Falls) and Brian Lipscomb of CSKT will work together to facilitate the process for modifying the national wildlife refuge easement boundary in relation to the racetrack. Once the survey is completed the CSKT Tribal Council, BIA and FWS Director will have to formally accept the proposed land exchange and boundary modification.

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- 3. Stockpiling of riprap within the Pablo National Wildlife Refuge** – The stockpile of riprap within the Pablo NWR is reduced, except for material (10-20 dump loads) that is not of riprap grade. FWS staff recommends using the rock to help with the erosion problem at the Pablo NWR water control structure constructed by Ducks Unlimited. It is agreed that FWS will move the rock to the erosion site by early May 2003. In addition, FWS will purchase herbicide for weed control in the vicinity of the site to control spotted knapweed. The CSKT will commit to spraying the herbicide and reseeding/drilling the site with appropriate grass seed mix, as recommended by FWS.
- 4. Gravel mining and equipment operator training activities** – CSKT reported that gravel mining and equipment operator training were no longer being conducted on the Pablo NWR. The tribal college's heavy equipment program formerly had several pieces of equipment in the area, but after the boundary was marked the equipment was removed. The gravel pit remains but there is no gravel mining activity occurring.
- 5. Installation of overhead power lines** - At issue was whether some of the above-described activities were subject to FWS compatibility determination. The power line is required by an irrigation project (BIA) activity, and the irrigation easement would have priority over the NWR (FWS) easement. The CSKT contends that both of the agencies are within the Department of Interior, which has ultimate authority. The FWS contends that an underground powerline similar to the underground power line installed at Ninepipe NWR is adequate and meets the needs and spirit of both the Irrigation project and national wildlife refuge. The CSKT committed to the burying of the overhead power line, to the extent possible (i.e., avoid wetland impacts and funding permitting), at Pablo NWR in CSKT Safety of Dams Program 2004 / 2005 winter construction season, in conjunction with the gate work replacement at Pablo Dam.

The CSKT and FWS committed to notify the other if action items appear to stall or lack progress. Further, CSKT and FWS agree to improve communication and to discuss compatibility issues when necessary.